

Questions and Answers for the Proposed Critical Habitat Designation and Draft Economic Analysis for *Agave eggersiana*, *Gonocalyx concolor*, and *Varronia rupicola*).

1. What is the current status of these three Caribbean plants?

These three plants are rare. *Agave eggersiana* is an ornamental and is particularly vulnerable to collection. All three Caribbean plants face some or all of the following threats to their existence: hurricanes, habitat loss and degradation from development, fires, competition from non-native plants, predation and disease caused by insects, such as weevils, poor enforcement of existing laws and regulations, and small and disconnected populations.

On October 22, 2013, the U.S. Fish and Wildlife Service proposed to list these three plants as threatened species under the Endangered Species Act. A final listing decision is pending. *Agave eggersiana* has been a candidate for federal listing since September 22, 2010. *Varronia rupicola* and *Gonocalyx concolor* have been candidates since October 25, 1999. These actions are being taken as part of a Multi-District Listing Settlement agreement and court approved work plan put in place in 2011. To learn more, please visit

<http://www.fws.gov/southeast/candidateconservation/>

What areas are proposed as critical habitat for these Caribbean plants?

About 51 acres of critical habitat is proposed for *Agave eggersiana* in St. Croix, USVI; 198 acres for *Gonocalyx concolor* in Puerto Rico; and 6,547 acres for *Varronia rupicola* in southern Puerto Rico and Vieques Island. *Agave eggersiana* and *Varronia rupicola* are located on public and private lands. The only known populations of *Gonocalyx concolor* are located within the Carite Commonwealth Forest, managed by the Puerto Rico Department of Natural and Environmental Resources.

3. What is critical habitat?

The Service identifies critical habitat when it proposes to list an animal or plant for listing as endangered or threatened. Critical habitat, a term defined in the Endangered Species Act, is identified based on what an animal or plant needs to survive and reproduce by reviewing the best scientific information concerning a species' present and historical ranges, habitat and biology.

The designation of critical habitat helps ensure that federal agencies and the public are aware of the habitat needs of these three Caribbean plants, and proper consultation is conducted by federal agencies when required by law.

4. What does a critical habitat designation do?

When an area is designated as critical habitat for a listed species, federal agencies are required by law to ensure that any action they fund, authorize or carry out is not likely to result in the destruction or adverse modification of the habitat. This is carried out through consultation with the Service.

The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. A critical habitat designation also does not allow the government or public to access private lands, nor does it require implementation of restoration, recovery or enhancement measures by non-federal landowners.

Although some of the areas within the proposed critical habitat designation for these three plants are located on private land, activities on those lands would only be impacted if they are authorized, funded or carried out by a federal agency. Activities in designated critical habitat that require federal involvement (for example, a U.S. Army Corps of Engineers permit to build a dam) would need to be reviewed by the Service. The federal agency would work with the Service to help landowners avoid, reduce or offset potential negative impacts to the critical habitat and the listed species.

There should be no or minimal impact on agricultural or timber companies, private landowners, or residential development. The Service relies on a number of voluntary, non-regulatory conservation programs to provide willing landowners with assurances to protect them for the work they do on their lands.

5. What is the economic analysis based on?

The economic analysis, which is required under the ESA, estimates the cost of conserving critical habitat for a listed plant or animal. Most of the estimated costs are administrative in nature and are only applicable when projects may diminish the conservation value of the habitat. The costs are borne largely by federal agencies, which are required to consult with the Service when a project they are funding, permitting or working on is likely to negatively affect the critical habitat.

According to the draft economic analysis for the three Caribbean plants, the total incremental cost of critical habitat designation is estimated to range from \$400 to \$9,000 (in 2014 dollars) per year. These costs stem from the requirement for federal agencies to consult with the Service regarding the impacts of their actions, or those that they fund or authorize on critical habitat. Most of the costs associated with the proposed designation would be administrative to help determine whether a proposed action would adversely modify the critical habitat area.

The economic analysis does not consider the cost of the listing itself.

6. What happens with the information the Service receives during the public comment period?

The Service must base its reasoning and conclusions on the rulemaking record, consisting of the comments, scientific data, expert opinions, and facts accumulated during the pre-rule and proposed rule stages.

If the rulemaking record contains persuasive new scientific information or policy arguments that do not support the proposed action, the Service may decide to terminate the rulemaking or to

continue the rulemaking but change aspects of the rule to reflect use of the best available scientific information and appropriate application of policy. If the changes are major, the Service would publish a supplemental proposed rule. If the changes are minor, or a logical outgrowth of the action discussed in the proposed rules, the Service may proceed with a final rule.

7. How long does it take for the Service to reach a decision after the public comment period is closed?

According to the ESA, the Service has one year from the proposed rule to do one of the following: finalize the rule, withdraw the rule, or provide notice extending the one year period if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the decision to be made. When a final rule is published, it generally becomes effective no less than 30 days after the date of publication in the *Federal Register*.